MARKED UP CLAIMS WITH AMENDMENTS SHOWN

1.   Apparatus for the user-defined configuring of applications on a data-processing system by means of a token, comprising the following components:

a)   a token comprising a non-volatile memory for storing at least one unique identifying attribute, for calling up at least one software comprising at least one of applications and software components to form applications, a volatile memory, and a microprocessor for processing data;

b)   an apparatus for establishing communications between the token and a data-processing device; and

c)   a data-processing device comprising at least one software comprising at least one of applications and software components to form an application, a register for registering the at least one software which [are] is available on the data-processing device, and an agent for establishing communications between the token and the at least one software.

5.   Apparatus according to claim [1] 2, wherein the at least one identifying attribute allows the at least one software to be uniquely allocated to it.

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7. Apparatus according to claim 6, wherein the address information is [shown] <u>provided</u> in the form of a GUID and is stored in a file in the non- volatile memory of the chip card.

8. Apparatus according to claim [7] <u>6</u>, wherein the address information is shown in the form of a GUID and is stored in a file in the [non- volatile] <u>volatile</u> memory of the chip card.

11. Apparatus according to claim 1, wherein the agent is installed on [the] <u>a</u> card reader.

14. Apparatus according to claim [13,] <u>2, wherein the identifying attribute includes address information for locating the software and</u> wherein the <u>agent is a</u> program <u>that</u> performs the following functions:

    a) determining the card technology;

    b) providing a driver associated with the card technology;

    c) reading the address information on the card;

    d) determining by reference to the address information whether the software is present on the data-processing device; and

e) establishing communications with at least one of a plurality of remote data-processing devices on which the software components are stored and downloading the latter to the data-processing device.

17. Method for configuring applications on a user data-processing device by means of a token <u>storing</u> <u>identifying data</u>, comprising the steps of:

a) establishing a communications connection between the token and the user data-processing device;

b) reading the identifying data stored on the token to enable an agent to build and start a given application;

c) determining whether software comprising at least one of an application and software components to form applications is available at the user data-processing device by means of the identifying data; and

d) loading the software components to allow the allocated application to be built and started

when   not   available   at   the   user
data-processing device.

20. Method according to claim [17] <u>19</u>, wherein the agent is
     installed on one of the card reader and [on] the
     data-processing device.

21. Method according to claim [17] <u>18 wherein the chip card
     has   a   non-volatile   memory   and</u>   further   comprising
     storing   the   identifying   data   in   a   file   in   the
     non-volatile memory of the chip card.

23. Method according to claim 21 wherein said storing is
     conducted at the time of [the] <u>a</u> first log-on to use an
     application.

24. Method   according   to   claim   [17]   <u>19</u>,   wherein   said
     establishing communications comprises the steps of:

     a)   determining of the chip card technology by
          the agent; and

     b)   loading by the agent of the requisite driver
          software to allow communications with the
          chip card.

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25. Method according to claim 24, wherein the driver software is <u>loaded as</u> part of the agent.

26. Method according to claim 24, wherein the driver software is stored separately from the agent on [whatever is] the storage medium of the user data-processing device and is started by the agent.

27. Method according to claim [16] <u>17</u>, wherein said determining comprises the following further steps:

comparing the identifying data stored in the user data processing device to the identifying data transmitted by the chip card;

inserting identifying data <u>with an application</u> to identify a software comprising at least one of application and software components when an application is being stored on the user data- processing device; and

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loading the software components and starting
of the allocated application, by the agent,
when the sets of identifying data match.

28. Method according to claim 27, further comprising the
steps of:

establishing a connection to a second
data-processing device by the agent by means
of the identifying data when the identifying
data do not match based on said comparing;

transferring the application found by means of
the identifying data to the user data-
processing system; and

adding the identifying data to the
applications installed on the user
data-processing device.

31. A program storage device readable by machine, tangibly
embodying a program of instructions executable by the
machine to perform method steps for configuring
applications on a user data-processing device by means

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of a token <u>storing identifying data</u>, said method
comprising the steps of:

a) establishing a communications connection
    between the token and the user data-
    processing device;

b) reading the identifying data stored on the
    token to enable an agent to build and start a
    given application;

c) determining whether software comprising at
    least one of an application and software
    components to form applications is available
    at the user data-processing device by means
    of the identifying data; and

d) loading the software components to allow the
    allocated application to be built and started
    when not available at the user
    data-processing device.

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REMARKS

Claims 1-15 are currently pending in the patent application. The Examiner has rejected the Claims under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention; Claims 1, 17, and 31 under 35 USC 102(b) as anticipated by Fowlow; Claims 2-7, 9, 18, 21-23, and 29 under 35 USC 103 as unpatentable over the teachings of Fowlow in view of Powers; Claims 10-13, 15, 19, and 20 under 35 USC 103 as being unpatentable over the teachings of Fowlow in view of Wallace; Claims 14, and 24-26 as being unpatentable over Fowlow in view of Wallace and Perlman; and, Claim 16 as being unpatentable over Fowlow in view of Powers and DiGiorgio. Based on the amendments to the claim language, and for the reasons set forth below, Applicants respectfully assert that all of the pending claims are definite and patentable over the cited prior art.

Applicants have amended Claims 1, 5, 7, 8, 11, 14, 17, 20, 21, 23-28 and 31 to respond to the 112 rejections. Applicants believe that the amendments address any indefiniteness concerns and are fully supported by the original Specification.

All of the claims rejections under 102 and 103 are premised on the applicability of the teachings of the Fowlow patent. The Fowlow patent is directed to a system and method for using a distributed object system to find and download Java applications. Under the Fowlow system, a client obtains the name of a base

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class, queries a naming service to determine which class server contains the needed base class, requests the code for the base class from the class server, and then retrieves the code either by reading the file locally or by repeating the process to locate and read the code. The Fowlow patent does not teach or suggest that a client has a token comprising a unique identifying attribute which the client uses for communicating with a data processing device for obtaining applications, as is expressly recited in all of the pending claims. Under the Fowlow process, a client may know the class name (see: Col. 13, lines 3-5) but does not have any unique information to use in obtaining access to an application. The Fowlow client undertakes a multi-step process by which the client finds the class server and obtains the code for the base class. The Fowlow client does not, however, have any identifying information which uniquely represents client access to the code and which interacts with a data processing device for obtaining the code. The Fowlow class name is not the same as nor suggestive of the unique identifying attribute of the token of the present invention and there is no other teaching in Fowlow which is analogous to the claimed token.

Under the present invention, the user has a token comprising the unique identifying attribute, preferably on a chip card, whereby the token uniquely identifies the user's access to particular material and whereby the token communicates with the data processing device. All of the pending claims expressly

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recite the token and use thereof for configuring applications. In contrast, the Fowlow system and method assumes that a client has the class name and does not require any access verification or authentication, let alone by a unique token which can communicate with other entities.

Applicants respectfully assert that the Fowlow patent does not anticipate or obviate the invention as claimed. For a patent to anticipate another invention under 35 USC § 102(b), the patent must clearly teach each and every claimed feature of the anticipated invention. Since the Fowlow patent clearly does not teach the claimed token and use thereof, it cannot be maintained that the Fowlow patent anticipates each and every claim feature.

Moreover, Applicants respectfully aver that the Fowlow patent teaches away from the use of a unique token, since Fowlow teaches that an object will give the client the name of a class needed for the application, with no restrictions (Col. 13, lines 3-5), and the client can then make queries and requests directly to servers, again without any authentication or access verification. Clearly such unrestrained access is not the same as or suggestive of a system wherein a unique token is provided to a particular user for identifying and communicating with data processing devices in order to configure applications for that user.

Applicants have reviewed the cited teachings in the Fowlow patent and respectfully conclude that Fowlow does not teach or
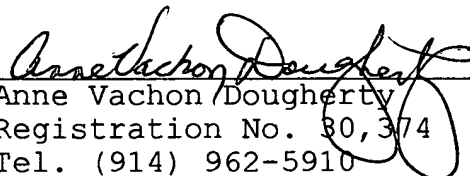
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suggest the unique access and communication token as claimed. Moreover, Applicants have reviewed the additionally cited Wallace, Powers, Perlman, and DiGiorgio patents and respectfully conclude that none of the cited patents provide the teachings which are missing from the Fowlow patent. Specifically, none of the cited patents teaches or suggests that a user have a token comprising a unique identifying attribute for establishing access to applications and for communicating with a data processing device to configure applications. Absent some teaching or suggestion of the claim features of the independent claims, it cannot be concluded that those independent claims, Claims 1, 17 and 31, are anticipated or obviated by the cited art. Accordingly, the claims which depend therefrom and add limitations thereto cannot be anticipated or obviated by the cited art.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,

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